



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/982,652

10/17/2001

Russell M. Krapf

A0762

8126

35219

7590

02/02/2011

WESTERN DIGITAL CORPORATION
ATTN: LESLEY NING / IP LAW DEPARTMENT
3355 MICHELSON DRIVE, SUITE 100
IRVINE, CA 92612

EXAMINER

VAN HANDEL, MICHAEL P

ART UNIT

PAPER NUMBER

2424

MAIL DATE

DELIVERY MODE

02/02/2011

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/982,652	Applicant(s) KRAPF ET AL.	
	Examiner MICHAEL VAN HANDEL	Art Unit 2424	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 November 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20,24,81 and 85-93 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20,24,81 and 85-93 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/04/2010 has been entered.

Response to Amendment

2. This action is responsive to an Amendment filed 10/04/2010. Claims **1-20, 24, 81, 85-93** are pending. Claims **1, 93** are amended. Claims **21-23, 25-80, 82-84** are canceled.

Response to Arguments

3. Applicant's arguments regarding claim **93**, filed 10/04/2010, have been considered, but are moot in view of the new ground(s) of rejection.

4. Applicant's arguments regarding claim **1**, filed 10/04/2010, have been fully considered, but they are not persuasive.

Regarding claim **1**, the applicant argues that Plotnick et al. does not disclose that steps (e) and (f) are repeated with other selected advertisements from the plurality of stored advertisements, when receiving an additional signal from a viewer control interface indicating a viewer command to the audiovisual system to avoid a currently displayed advertisement until at

Art Unit: 2424

least one of the plurality of stored advertisements has been displayed on the display. The applicant specifically argues that Plotnick et al. shows a tree that could end with only “skipped ad” decisions being made. The examiner respectfully disagrees. Plotnick et al. discloses determining that an ad insertion opportunity arises in a television broadcast stream and retrieving and inserting an ad from a local storage database based on a user’s profile for display (p. 9, 10, paragraphs 105-107, 112)(p. 19, Part F & p. 22, Part M of 60/281,037). This corresponds to parts (e) and (f) of the claim. Plotnick et al. further discloses determining whether a user watches an ad or skips an ad and using feedback to modify the profile to determine the next ad to insert and display (p. 12, paragraphs 124, 125 & Fig. 12)(p. 17-18, Part D & Figs. 5A, 5B of 60/281,037). Plotnick et al. further discloses repeating these steps until an ad is watched without being skipped (Advertisement D7, for example)(Fig. 12)(Fig. 5B of 60/281,037). The examiner further notes that Figure 5B of 60/281,037 does not illustrate the entire tree, as noted by the ellipses and etc. at the bottom of the figure (Fig. 12)(Fig. 5B of 60/281,037). Furthermore, it would be irrelevant whether such a scenario existed in the tree, because there is at least one other scenario that meets the limitations of the claim. For example, the claim limitations are met if the flowchart is followed to Advertisement D7 (Fig. 12)(Fig. 5B of 60/281,037). As such, the examiner maintains that Plotnick et al. discloses the limitations of the claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 2424

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims **1, 2, 4, 6-8, 10-19, 24, 81, 89-92** are rejected under 35 U.S.C. 102(e) as being anticipated by Plotnick et al. (of record).

Referring to claim **1**, Plotnick et al. discloses a method for displaying a targeted advertisement to a viewer of a display of an audiovisual system in conjunction with displaying a broadcast stream on the display, the method comprising:

- a. selecting a broadcast stream (broadcasted television program)(p. 3, paragraph 62 & p. 5, paragraph 71)(p. 18, 19, Part E of US 60/281,037);
- b. displaying the selected broadcast stream on the display (the user can time shift a broadcast stream with the PVR)(p. 3, paragraph 62 & p. 4, paragraph 63)(p. 18, 19, Part E of US 60/281,037);
- c. receiving a first signal from a viewer control interface indicating a viewer command to the audiovisual system (p. 7, paragraph 91; & p. 10, paragraph 109), wherein the audiovisual system is responsive to the viewer command by initiating a corresponding action selected from the group consisting of: fast-forwarding the displayed selected broadcast stream, pausing the displayed selected broadcast stream, and replaying the displayed selected broadcast stream (VCR-like controls of the PVR)(p. 3, paragraph 62 & p. 4, paragraph 63)(p. 16, Part C & p. 17, 18, Part D of US 60/281,037);
- d. defining a viewer profile of the viewer of the display based on a content of the displayed selected broadcast stream (the profile keeps track of shows watched)(p. 7,

Art Unit: 2424

- paragraph 88 & p. 9, paragraph 105)(p. 22, Part M of 60/281,037), the viewer command indicating a reaction by the viewer to the content of the displayed selected broadcast stream (p. 10, paragraphs 109-111)(p. 22, Part M of 60/281,037), and a timestamp (p. 10, paragraph 109)(p. 19, Part F; p. 21, Part K; & 22, Part M of 60/281,037);
- e. selecting a first advertisement from a plurality of stored advertisements based on the viewer profile of the viewer of the display (p. 9, 10, paragraphs 105-107, 112)(p. 19, Part F & p. 22, Part M of 60/281,037); and
 - f. displaying the first advertisement on the display (p. 10, paragraph 112)(p. 19, Part F & p. 22, Part M of 60/281,037), wherein steps (e) and (f) are repeated with other selected advertisements from the plurality of stored advertisements (p. 12, paragraphs 124, 125 & Fig. 12)(p. 17-18, Part D & Figs. 5A, 5B of 60/281,037), when receiving an additional signal from a viewer control interface indicating a viewer command to the audiovisual system to avoid a currently displayed advertisement (skip)(p. 12, paragraphs 124, 125 & Fig. 12)(p. 17-18, Part D & Figs. 5A, 5B of 60/281,037) until at least one of the plurality of stored advertisements has been displayed on the display (Fig. 12)(Fig. 5B of 60/281,037).

NOTE: The USPTO considers the applicant's "selected from the group consisting of" language to be anticipated by any reference containing any of the subsequent corresponding elements.

Referring to claim **2**, Plotnick et al. discloses the method of claim 1, further comprising:

- g. updating the viewer profile based on a second signal received from the viewer control interface (p. 10, paragraph 110)(p. 22, Part M of 60/281,037);

Art Unit: 2424

- h. selecting a second advertisement from the plurality of stored advertisements based on the updated viewer profile (p. 9, 10, paragraphs 105-107, 112)(p. 22, Part M of 60/281,037); and
- i. displaying the second advertisement on the display (ads are displayed based on the user profile, and the user profile is updated based on ads displayed, content displayed, user interaction via VCR-like functions, etc.)(p. 10, paragraph 112)(p. 22, Part M of 60/281,037).

Referring to claim **4**, Plotnick et al. discloses the method of claim 2, wherein step (g) comprises:

- i. receiving a second signal from the viewer control interface indicating a viewer command to the audiovisual system, wherein the audiovisual system is responsive to the viewer command indicated by the second signal by initiating an action selected from the group consisting of: recording the first advertisement, specifying how the first advertisement is displayed on the display (short or alternative ad when ad is fast forwarded)(p. 11, 12, paragraphs 122, 123)(p. 16, Part C & p. 17, 18, Part D of 60/281,037), and replaying the first advertisement; and
- ii. updating the viewer profile based on the second signal received from the viewer control interface (p. 12, paragraph 123)(p. 22, Part M of 60/281,037).

NOTE: The USPTO considers the applicant's "selected from the group consisting of" language to be anticipated by any reference containing any of the subsequent corresponding elements.

Referring to claim **6**, Plotnick et al. discloses the method of claim 2, wherein step (g) comprises:

Art Unit: 2424

- i. receiving a second signal from the viewer control interface indicating a viewer command to the audiovisual system, wherein the audiovisual system is responsive to the viewer command by initiating an action selected from the group consisting of: recording the selected broadcast stream, specifying how the selected broadcast stream is displayed on the display, and replaying the selected broadcast stream (essentially a repeat of the step of claim 1, again using VCR-like controls of the PVR)(p. 3, paragraph 62 & p. 4, paragraph 63)(p. 16, Part C & p. 17, 18, Part D of US 60/281,037); and
- ii. updating the viewer profile based on the second signal received from the viewer control interface (the profile keeps track of shows watched and the VCR-like commands)(p. 7, paragraph 88; p. 9, paragraph 105; & p. 10, paragraphs 109-111)(p. 22, Part M of 60/281,037).

NOTE: The USPTO considers the applicant's "selected from the group consisting of" language to be anticipated by any reference containing any of the subsequent corresponding elements.

Referring to claim 7, Plotnick et al. discloses the method of claim 2, wherein step (g) comprises:

- i. receiving a second signal from the viewer control interface indicating a viewer command to the audiovisual system, wherein the audiovisual system is responsive to the viewer command by initiating a program search (fast forward)(p. 3, paragraph 62 & p. 4, paragraph 63)(p. 15, Part C & p. 16, 17, Part D of 60/281,037); and
- ii. updating the viewer profile based on the second signal received from the viewer control interface (the profile keeps track of shows watched and the VCR-like

Art Unit: 2424

commands)(p. 7, paragraph 88; p. 9, paragraph 105; & p. 10, paragraphs 109-111)(p. 22, Part M of 60/281,037).

Referring to claim **8**, Plotnick et al. discloses the method of claim 2, wherein steps (h) - (i) are repeated until a third signal received from the viewer control interface indicates a positive viewer reaction or until a predetermined period of time has elapsed (p. 12, paragraph 124 & Fig. 12)(p. 18, Fig. 5B of 60/281,037).

Referring to claim **10**, Plotnick et al. discloses the method of claim 1, wherein step (e) comprises:

- i. displaying an identification of at least one of the stored advertisements including the first advertisement on the display (p. 7, paragraph 85)(p. 23, Part N of 60/281,037); and
- ii. receiving a second signal from the viewer control interface selecting the first advertisement to be displayed on the display (p. 7, paragraph 85)(p. 23, Part N of 60/281,037).

Referring to claim **11**, Plotnick et al. discloses the method of claim 10, wherein step (e)(i) comprises displaying an identification of at least one of the stored advertisements including the first advertisement via a menu on the display (p. 7, paragraph 85)(p. 23, Part N of 60/281,037).

Referring to claim **12**, Plotnick et al. discloses the method of claim 10, wherein step (e)(i) comprises displaying an identification of at least one of the stored advertisements including the first advertisement via a banner on the display (p. 6, 7, paragraph 84)(p. 20, Parts G-I of 60/281,037).

Art Unit: 2424

Referring to claim **13**, Plotnick et al. discloses the method of claim 10, wherein step (e)(i) comprises displaying an identification of at least one of the stored advertisements including the first advertisement via an icon on the display (p. 6, 7, paragraph 84)(p. 20, Part G of 60/281,037).

Referring to claim **14**, Plotnick et al. discloses the method of claim 1, wherein step (f) comprises displaying the first advertisement on the display immediately prior to displaying a second broadcast stream on the display (can display ad during channel changes)(p. 6, paragraph 83)(p. 8, Table III of 60/281,037).

Referring to claim **15**, Plotnick et al. discloses the method of claim 1, wherein step (f) comprises displaying the first advertisement on the display in a time slot adjacent to a time slot for displaying regularly scheduled advertisements within the broadcast stream (p. 12, paragraph 125)(p. 17, Part D of 60/281,037).

Referring to claim **16**, Plotnick et al. discloses the method of claim 1, wherein step (f) comprises displaying the first advertisement instead of displaying a regularly scheduled advertisement within the broadcast stream (p. 6, paragraph 83)(p. 18, Part E of 60/281,037).

Referring to claim **17**, Plotnick et al. discloses the method of claim 1, wherein the broadcast stream is a television broadcast stream (p. 9, paragraph 101)(p. 18, 19, Part E of 60/281,037).

Referring to claim **18**, Plotnick et al. discloses the method of claim 1, wherein the broadcast stream is a cable broadcast stream (Fig. 1)(p. 15, Figs. 3A, 3B of 60/281,037).

Referring to claim **19**, Plotnick et al. discloses the method of claim 1, wherein the broadcast stream is a satellite broadcast stream (Fig. 1)(p. 15, Figs. 3A, 3B of 60/281,037).

Art Unit: 2424

Referring to claim **24**, Plotnick et al. discloses the method of claim 1, further comprising storing the plurality of advertisements on a hard disk drive (p. 6, paragraph 80 & Fig. 1)(p. 15, Figs. 3A, 3B & p. 17, Part D of 60/281,037).

Referring to claim **81**, Plotnick et al. discloses the method of claim 4, wherein specifying how the first advertisement is displayed on the display comprises an action selected from the group consisting of: fast forwarding the first advertisement (p. 12, paragraph 123)(p. 16, Part C & p. 17, 18, Part D of 60/281,037), displaying the first advertisement without modification, and pausing the first advertisement.

NOTE: The USPTO considers the applicant's "selected from the group consisting of" language to be anticipated by any reference containing any of the subsequent corresponding elements.

Referring to claim **89**, Plotnick et al. discloses the method of claim 1, wherein the displayed broadcast stream is a program (p. 9, paragraph 101)(p. 22, Part M of 60/281,037).

Referring to claim **90**, Plotnick et al. discloses the method of claim 1, wherein the displayed broadcast stream is an advertisement (p. 11, 12, paragraph 122)(p. 17, 18, Part D of 60/281,037).

Referring to claims **91** and **92**, Plotnick et al. discloses the method of claim 1, wherein the timestamp indicates a time of the viewer command within the displayed broadcast stream and wherein the timestamp indicates a time of day (p. 10, paragraph 109)(p. 19, Part F; p. 21, Part K; & p. 22, Part M of 60/281,037).

Claim Rejections - 35 USC § 103

Art Unit: 2424

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims **3, 9** are rejected under 35 U.S.C. 103(a) as being unpatentable over Plotnick et al. in view of Knudson et al. (of record).

Referring to claims **3** and **9**, Plotnick et al. discloses the method of claims 2 and 1, respectively. Plotnick et al. further discloses updating the user profile (p. 10, paragraph 110)(p. 22, Part M of 60/281,037). Plotnick et al. does not specifically disclose transmitting the updated viewer profile to a head end. Knudson et al. discloses an interactive television program guide system in which targeted advertisements are presented to a user and a user's actions are monitored to target the advertisements (see Abstract). Knudson et al. further discloses that the set-top boxes transmit updating information about the user's interactions to the television distribution facility (p. 3, paragraph 51). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the monitoring system of Plotnick et al. to upload updated monitoring information to the distribution facility, such as that taught by Knudson et al. in order to help advertisers make their advertisements more effective (Knudson et al. p. 8, paragraph 91).

9. Claims **85-88** are rejected under 35 U.S.C. 103(a) as being unpatentable over Plotnick et al. in view of Eldering.

Art Unit: 2424

Referring to claims **85**, **86**, and **88**, Plotnick et al. discloses the method of claim 1. Plotnick et al. further discloses defining a viewer profile by using heuristic rules indicating the relationships between programming choices and demographics to generate probabilistic information regarding demographics and programming and product interests (p. 7, paragraph 88)(p. 22, Part M of 60/281,037). Plotnick et al. does not specifically disclose defining at least two individual profiles associated with potentially different viewers based on different portions of the viewer profile and selecting the first advertisement based on one of the individual profiles and a time of day that the first advertisement is to be displayed and displaying the first advertisement on the display at the time of day, where the time of day is an evening. Eldering discloses an advertising scheduling method and apparatus (see Abstract). A profile for targeting advertisements is generated based on probabilistic demographic and/or psychographic information of the subscriber (p. 3, paragraph 36). Eldering further discloses using probabilistic determinations to determine a profile of a viewer who is likely to be viewing the content. For example, if a profile is generated for a household containing a husband and a wife, the system determines that the husband is watching the television when ESPN is tuned and the wife is watching the television when LIFETIME is tuned (p. 5, paragraph 59). Eldering further discloses that the determination can be time-of-day dependent. If it is probabilistically determined that a particular viewer within a certain demographic category is likely to be viewing the television at a certain time of day, advertising can be targeted for that particular viewer (p. 5, 6, paragraph 60). Eldering also discloses determining that Monday Night Football is a timeslot that would present advertisers with a large number of male viewers between the ages of 21 and 39 (p. 1, paragraph 8). It would have been obvious to one of ordinary skill in the art at the time

Art Unit: 2424

that the invention was made to modify the profile generation of Plotnick et al. to further determine the likelihood that a particular viewer out of the profile is using the television based on a time of day, such as that taught by Eldering in order to enable an advertiser to more narrowly reach his audience (Eldering p. 2, paragraph 10).

Referring to claim **87**, the combination of Plotnick et al. and Eldering teaches the method of claim 85, wherein selecting the first advertisement in step (e) is further based on a content of a second broadcast stream being displayed at the time of day (Plotnick et al. Fig. 12)(p. 18, Fig. 5B of 60/281,037).

10. Claim **5** is rejected under 35 U.S.C. 103(a) as being unpatentable over Plotnick et al. in view of Swix et al. (of record).

Referring to claim **5**, Plotnick et al. disclose the method of claim 2. Plotnick et al. does not specifically disclose that step (g) comprises receiving a second signal from the viewer control interface indicating a viewer command to the audiovisual system, wherein the audiovisual system is responsive to the viewer command by initiating a purchase of a good/service and updating the viewer profile based on the second signal received from the viewer control interface. Swix et al. discloses a system for providing targeted advertisements over a media delivery system (see Abstract). Swix et al. further discloses updating a viewer profile based on services a customer has purchased or used over the interactive television, such as video on demand (col. 7, l. 52-61). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the television monitoring system of Plotnick et al. to include monitoring user purchases made over the television system, such as that taught by Swix

Art Unit: 2424

et al. in order to better assess a customer's tastes and deliver new, pertinent advertisements (Swix et al. col. 3, l. 19-22).

11. Claims **20, 93** are rejected under 35 U.S.C. 103(a) as being unpatentable over Plotnick et al. in view of Zigmond et al.

Referring to claim **20**, Plotnick et al. discloses the method of claim 1. Plotnick et al. does not specifically disclose that the broadcast stream is an Internet broadcast stream. Zigmond et al. discloses a system for inserting advertisements into a video programming feed at the household level (see Abstract). Zigmond et al. further discloses that the video programming feed can be video via the Internet (col. 7, l. 16-21). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the television monitoring system of Plotnick et al. to receive video over the Internet, such as that taught by Zigmond et al. in order to allow a subscriber to receive their video content at many locations over a commonly used distribution network.

Referring to claim **93**, Plotnick et al. discloses the method of claim 1. Plotnick et al. further discloses that the viewer command to avoid the currently displayed advertisement is a skipping command (p. 12, paragraph 124)(p. 17, 18, Part D of 60/281,037). Plotnick et al. does not specifically disclose that the viewer command to avoid the currently displayed advertisement comprises at least one of the following:

- a power off command; or
- a change channel command.

Art Unit: 2424

Zigmond et al. discloses a system for inserting advertisements into a video programming feed at the household level (see Abstract). Like Plotnick et al., Zigmond et al. discloses that the ads can be inserted into video content that is recorded on a recording medium (col. 14, l. 9-12). Zigmond et al. further discloses collecting information relating to actions of the viewer in response to displayed advertisements (col. 9, l. 39-42). Ad selection rules for selecting ads may be modified as more of the viewer response information is collected (col. 12, l. 12-14). This information can be used to select appropriate advertisements to display to the viewer (col. 11, l. 31-35). Zigmond et al. discloses that the collected information for generating the ad selection rules can be viewer channel changes during display of selected advertisements (col. 9, l. 21-27). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the ad skipping and behavioral targeting of Plotnick et al. to include targeting on the basis of channel changes during ads, such as that taught by Zigmond et al. in order to better tailor advertisements to the interests and needs of viewers (Zigmond et al. col. 3, l. 58-61).

NOTE: The USPTO considers the applicant's "at least one of" language to be anticipated by any reference containing any of the subsequent corresponding elements.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL VAN HANDEL whose telephone number is (571)272-5968. The examiner can normally be reached on 8:00am-5:30pm Mon.-Fri..

Art Unit: 2424

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Van Handel/
Primary Examiner, Art Unit 2424

1/31/2011